IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.272 OF 2001

Mr. Raju Shetty .. Appellant

versus

Maqsood Zahoorkhan alias Johar Khan & Ors. .. Respondents

...

Mr. Vinay J. Hegde for appellant

None present for the respondents.

CORAM : D.G. KARNIK, J

DATED : 3rd October, 2006

P.C.:

1. Heard learned counsel for the appellant. None present for the respondents.

2. This appeal is directed against an order dated 7th February, 2001 passed by the City Civil Court under Order 9 Rule 4 of the Code of Civil Procedure.

3. An order passed under Order 9 Rule 4 of the Code of Civil Procedure is not appellable under Section 104 read with Order 43 of the Code of Civil Procedure. In the circumstances the appeal is incompetent and is not maintainable. Hence the appeal is dismissed.

4. At the request of the learned counsel for the appellant the inter locutery order passed by this Court is continued for a period of two weeks.

(D.G. KARNIK, J)